

REMARKS

Upon entry of the present amendment, Claims 1-7, 9-10, 13, and 15-19 remain in the application, of which claims 1, 7, and 15-19 are independent. Applicant has cancelled claims 8, 11, 12, and 14 herein.

The applicant gratefully acknowledges the allowance of claims 1-6, and the indication that claims 8, 11, 12, and 14 contain allowable subject matter.

After careful consideration of the objections and rejections set forth in the Office Action, applicant respectfully submits that as amended, claims 1-7, 9-10, 13, and 15-19 patentably distinguish over the art of record, and requests allowance of all pending claims, as discussed further below.

Claim rejections under 35 USC 103

Claims 7, 9, 10 and 13 are rejected under 35 USC 103 as unpatentable over Yamada et al., published U.S. patent application 2001/0000052, in light of Asakura et al., U.S. Patent 6,234,546. The Examiner states that Yamada disclose an inner lid attaching structure for a personal watercraft, including a hatch 26 with an inner lid (bottom portion of lid 26) which is airtight, but fails to disclose the particular lock and projection. The Examiner further states that Asakura teach a lock and projection for a lid, and that it would have been obvious to form the lid of Yamada with a lock and projection as taught by Asakura for improved locking of the lid.

The applicant respectfully disagrees with this rejection since Yamada does not disclose the claimed lid structure. Yamada discloses a cover structure for a personal watercraft, which provides a sealed cover for a hollow space in the deck, but the cover structure of Yamada fails to include both an inner lid and a separate cover for placement over the inner lid. The Examiner

appears to be interpreting the bottom surface of the hollow lid or hatch 26 as effectively providing an inner lid, with the upper surface of the lid or hatch 26 presumably providing a component analogous to the claimed cover, although this is not clearly spelled out by the Examiner. However, these are not separate components.

Further, the applicant disagrees with this rejection since the lid structure disclosed by Yamada is not removably attachable in covering relation to an opening, as recited in claim 7. Rather, the cover disclosed by Yamada is hingedly (via hinge 154, Fig 2) fixed adjacent the opening in the deck. Thus the cover disclosed by Yamada can move relative to the opening, but cannot be removed therefrom. Therefore, applicant's claims are distinguishable from the teaching of Yamada.

Asakura discloses a locking structure for a latch cover of a personal watercraft, which include a pin 11 extending upward from the deck, which releasably engages a lock device L secured to the underside of the cover. Lock device L includes an engaging member 18 which is selectively released from engagement with the pin 11 by levers 13. However, Asakura also fails to disclose a cover structure of the type described in claim 7, specifically, separate cover and inner lid sections which are removable from the watercraft.

The applicant respectfully disagrees with this rejection because Asakura does not disclose a projection which prevents attachment of the cover when the lid is not secured over the opening, as further recited in claim 7. The applicant assumes that the Examiner refers to pin 11 as reading on the claimed projection. However, pin 11 does not prevent attachment of the cover, regardless of the position of the cover relative to the opening, but rather allows attachment, since it is key to the operability of the attachment mechanism disclosed by Asakura.

As regards claim 9, the applicant respectfully disagrees with this rejection since the projection (pin 11) is not sandwiched between the deck and the cover when said inner lid is not secured over said opening. The term "sandwiched" is commonly understood to mean a closely adjacent layering of elements, and although the pin extends upward from the deck, and thus can broadly be considered "layered" thereon, when the cover is not secured over the opening it is necessarily pivoted about hinge 154 so as to be distant from pin 11. Thus, when the cover is not secured over the opening, at least some distance is provided between the opening and the cover, and therefore it cannot be considered to be forming a sandwich with the pin and the deck.

As regards claims 10 and 13, the applicant respectfully disagrees with these rejections for the reasons discussed above with respect to claim 7, from which both these claims depend.

Because neither Yamada, nor the invention of Yamada as modified by Asakura disclose the claimed invention, the applicant considers claims 7, 9, 10, and 13 to be in condition for allowance.

Other Matters

New claims 15-18 have been added to the application which correspond to claims 8, 11, 12, and 14, respectively, rewritten in independent form to include all of the limitations of the base claim (7) and the intervening claims. Original claims 8, 11, 12, and 14 are cancelled. New independent claim 19 has been added to the application which corresponds to an amended version of claim 7 that more clearly recites that the inner and outer lids comprise two separable and distinct bodies. All new claims are fully supported by the specification, and no new matter has been added to the application.

Conclusion

Based on all of the foregoing, applicant respectfully submits that all of the objections and rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge the \$352 fee for four independent claims in excess of three to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C.

A duplicate copy of this sheet is enclosed.

Favorable consideration is respectfully requested.

Respectfully submitted,



William D. Blackman
Attorney for Applicant
Registration No. 32,397
(248) 344-4422

Customer No. 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 1762 of the United States Patent and Trademark Office on October 7, 2004, at the number (703) 872-9306.

WDB/kmm

